

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
Wheeling**

DAMON SELDON,

Petitioner,

v.

CIVIL ACTION NO. 5:23-CV-287
Judge Bailey

R. BROWN, Warden, FCI Gilmer,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

The above referenced case is before this Court upon the magistrate judge's recommendation that petitioner's petition [Doc. 1] be denied and dismissed with prejudice.

This Court is charged with conducting a *de novo* review of any portion of the magistrate judge's report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636(b)(1). However, absent prompt objection by a dissatisfied party, it appears that Congress did not intend for the district court to review the factual and legal conclusions of the magistrate judge. ***Thomas v. Arn***, 474 U.S. 140 (1985). Additionally, any party who fails to file timely, written objections to the magistrate judge's report pursuant to 28 U.S.C. § 636(b)(1) waives the right to raise those objections at the appellate court level. ***United States v. Schronce***, 727 F.2d 91 (4th Cir. 1984), *cert. denied*, 467 U.S. 1208 (1984). No objections have been filed to the magistrate judge's report and recommendation.

Accordingly, a review of the record indicates that the magistrate judge's report accurately summarizes this case and the applicable law. As such, the magistrate judge's


report and recommendation [Doc. 13] is **AFFIRMED** and **ADOPTED**. Respondent's Motion for Summary Judgment [Doc. 10] is **GRANTED**. Petitioner's petition [Doc. 1] is **DENIED** and **DISMISSED WITH PREJUDICE**. Petitioner's Motion for Leave to Proceed *in forma pauperis* [Doc. 2] is **DENIED AS MOOT**.

The Clerk is instructed to strike this matter from the active docket of this Court.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to counsel of record, and to mail a copy to petitioner via certified mail, return receipt requested.

DATED: December 27, 2023.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE